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August 4, 1973

Dear Jack:

In response to your letter of April 7, 1959, I wish to confirm that the Department of State concurs in paragraphs c, d, e, and f of the additional guidance for the preparation of a USCIBER Air Contingency Plan for Berlin which was enclosed with your letter of October 8, 1958 to Mr. Kilbrick. This concurrence is given subject to the comments made below and on the understanding that the USCIBER plan will be reviewed by the Department of State before it is put into force.

I believe that the Joint Chiefs of Staff, in transmitting this guidance to USGICOMER, may wish to make some reference to the tri-partite instructions regarding planning for air access to Berlin contained in paragraph 12 of the Berlin Contingency Planning paper of April 4, 1959.

With reference to paragraphs c and f of the proposed additional guidance, there seems to be some uncertainty as to whether or how NSG 5604 was meant to apply to the Berlin air corridors. However, we believe it beyond question that United States military aircraft have the right to defend themselves if attacked in the Berlin corridors, and I mention this point in the belief that you may wish to consider asking the National Security Council for a ruling on it.

Sincerely,

Livingston T. Merchant
Assistant Secretary

**The Honorable
John M. Irvin II,
Assistant Secretary of Defense.**

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